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EXAMINER

WORKU, NEGUSSIE

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,227

Applicant(s)

BLAIR ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/07/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. (USP 5,532,844), in view of Kadota (USP 6697073).

With respect to claim 1, Kagami et al. discloses or teaches an image acquisition apparatus (IR image scanner of fig 2) connected to computer, (PC 80 of fig 2) comprising: an image input means (image scanner IR of fig 2) for inputting image data into a control circuit (control unit 40 of fig 2) within said apparatus (fig 2); transmittal means (control unit 40, read out from the memory unit 31 of fig 2, to the host PC through the I/F unit 1 and the ports TC of fig 2) for sending said image data from said control circuit (40 of fig 2) through said computer (PC 80 of fig 2); interface means (I/F 1 of fig 2) for said control circuit (40 of fig 2) to receive instructions from, and send data to, control software on said computer (PC computer 80 of fig 2).

Kagam et al. does not teach or discloses specifically computer having connected to at least one USB system of computer.

Kadota in the same area of image reading and processing apparatus (fig 1), teaches an aparataous connected to at least one USB system of computer, (personal computer 5 of fig 1, provided with USB port 3 of fig 1, as discussed in col.5, lines 54-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading and processing device of Kagami et al. to include: a system computer having at least on USB port.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the document reading, processing and transmitting device of Kagami et al. by the teaching of Kadota for the reason that, it would have been allowed users to enables a personal computer to be connected to a plurality of USB compatible peripheral devices through on or more hubs.

With respect to claim 2, Kagami teaches or discloses an apparatus wherein said image input means (IR image reader or scanner, as shown in fig 1 and 2) comprises at least one of a Compact Flash Memory card reader, a Smart Media card reader, a PC or PCMCIA Card reader, (PC personal computer 8 of fig 2) a Memory Stick reader, (twin memory 31a and 31b of memory 31, inheritably provides flash memory) a Multi Media card reader, a Secure Digital card reader, and a IBM Microdrive reader, see (col.6, lines 47-53).

With respect to claim 3, Kagami et al. discloses an apparatus (as shown in fig 2), further comprising simple control means (control unit 40 of fig 2) for directing complex operations of said control circuit (interface control circuit 60 of fig 2) and said control software directly from the outside of said apparatus, (control program embedded in PC computer 80 of fig 2) software said means (program of PC 80 of fig 2) comprising: at least one button on said apparatus wherein said button has a function determined by said control software (key board (button) from the host computer triggered to execute the operation of the system); an interface (I/F of fig 2) for said button to direct said control circuit (61 of fig 2) and said control software (control program (software) from 80 of fig 1).

With respect to claim 4, Kagami et al. discloses an apparatus (as shown in fig 2), wherein said image input means (scanner IR of fig 2) further comprising a scanner, said scanner comprising: a transparent platform for placing items to be scanned, (document positioned on a platform shown in fig 2, for scanning) said items comprising photographs, documents, or drawings, and said platform having rectangular dimensions (a document or original to be scanned as shown in fig 2); optical scanning hardware for scanning images of said items, Image sensor 21 of fig 2) wherein said hardware includes a scanning module (image sensor 21 of fig 2) slidably installed inside said housing, (scanner housing 100 of fig 1) said scanning module being approximately as wide as one of the dimensions of said transparent platform, said scanning module (IR scanner of fig 2) comprising: a mechanism and assembly for moving said module along

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one of the axes of said transparent platform (driving unit 50 having motor 51 for moving the image sensor 21 of fig 2, see col.5,lines 60-65); a bottom light source (LED light source 24 of fig 2) for emitting light towards said items, see (col.col.6, lines 43-46) an image converter for converting said image of the item into a digital image, (A/D converter 22 of fig 2), a closeable top (cover member 110 of fig 11) with dimensions slightly larger than the dimensions of said transparent platform, see (col.13, lines 42-45) handedly attached to said housing so that said top covers (110 of fig 11) said transparent platform when closed.

With respect to claim 5, Kagami e al. discloses an image processing method (a shown in fig 2) in an image acquisition apparatus (scanner IR of fig 2) connected to at computer (computer 80 of fig 2), comprising: an image input (image sensor 21 of fig 2) step for inputting image data into a control circuit (40 of fig 2) within said apparatus; a transmittal step for sending said image data from said control circuit (40 of fig 2) through (interface I/F of fig 2) of said computer (PC computer 80 of fig 2); an interface step for said control circuit (40 of fig 2) to receive instructions from, and send data to, control software on said computer (control program in a computer 80 of fig 2).

With respect to claim 6, Kagami et al. discloses a method (as shown in fig 1 and 2), wherein said image input step comprises detecting (IR image reader or scanner, as shown in fig 1 and 2) the insertion of the appropriate media into at least one of a Compact Flash Memory card reader, a Smart Media card reader, a PC or PCMCIA

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Card reader, (PC or computer 80 of fig 2) a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and a IBM Microdrive reader, (see col.6, lines 47-53).

With respect to claim 7, Kagami et al. discloses a method (as shown in fig 2), further comprising simple control steps for directing complex operations of said control circuit (control unit 40 of fig 2) and said control software directly from the outside of said apparatus, (control program (software) from computer 80 of fig 2) said steps comprising: providing at least one button (keyboard button of personal computer 80 of fig 2) on said apparatus wherein said button has a function determined by said control software (control program from computer 80 of fig 2); providing an interface for said button to direct said control circuit (40 of fig 2) and said control software, (control program from computer 80 of fig 2).

With respect to claim 8, Kagami et al. discloses, wherein said image input step (scanner 10 of fig 2) further comprising a scanner, (image sensor 21 of fig 2) said scanner comprising: a transparent platform for placing items to be scanned, (document positioned on a platform shown in fig 2, for scanning) said items comprising photographs, documents, or drawings, and said platform having rectangular dimensions (a document or original to be scanned as shown in fig 2); optical scanning hardware for scanning images of said items, Image sensor 21 of fig 2) wherein said hardware includes a scanning module (image sensor 21 of fig 2) slidably installed inside said housing, (scanner housing 100 of fig 1) said scanning module being approximately as

wide as one of the dimensions of said transparent platform, said scanning module (IR scanner of fig 2) comprising: a mechanism and assembly for moving said module along one of the axes of said transparent platform (driving unit 50 having motor 51 for moving the image sensor 21 of fig 2, see col.5,lines 60-65); a bottom light source (LED light source 24 of fig 2) for emitting light towards said items, see (col.col.6, lines 43-46) an image converter for converting said image of the item into a digital image, (A/D converter 22 of fig 2), a closeable top (cover member 110 of fig 11) with dimensions 8) slightly larger than the dimensions of said transparent platform, see (col.13, lines 42-45) handedly attached to said housing so that said top covers (110 of fig 11) said transparent platform when closed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Manolis et al. (USP 6,5837,99).

With respect to claims 9, Manolis et al. discloses or teaches a method (fig 1) comprising: persistently monitoring any monitor able input means (camera 108 of fig 1, is a monitor able image input or acquisition unit that monitored by computer 100 of fig 1, on a display 107 of fig 1) an image acquisition apparatus, see (col.1, lines 45-50); determining whether said input means have image-containing media therein (camera 108 of fig 1, that enables users to take picture and save them in a digital (electronic) format, see (col.1, lines 46-48); determining the quantity of image data files in said media, see (col.2, lines 40-47); selecting at least one image data file from said media (in the image selection widow 222 of fig 2B and 2C, a user can select a specific image, see col.2, lines34-37); transmitting said at least one image data file from said image acquisition (from camera 108 to upload an image to the computer 100 of fig 1) apparatus to a computer (100 of fig 1, see col.1, lines 54-55); providing said image data file to a consumer-selected computer application ,see (col.2, lines 3-40).

With respect to claims 10, Manolis et al. discloses or teaches a method (fig 1), further comprising: persistently monitoring any buttons on said image acquisition apparatus (buttons on a digital camera 108); determining whether any said buttons button have been pressed (computer 100 determine if a button on the camera 108 is have been pressed to down load the data); selecting the appropriate consumer-selected computer application to which to provide said image data based on the predefined functions of said buttons (in the image selection widow 222 of fig 2B and 2C, a user can select a specific image, see col.2, lines 34-37).

With respect to claims 11, Manolis et al. discloses or teaches a method (fig 1), further comprising: determining whether there is a scanner associated with said image acquisition apparatus (CPU 121 determine id a camera is associated with computer 100 of fig 1); selecting a set of scanning criteria as chosen by the consumer se (col.2, lines 3-40); and scanning an item on the transparent platform of said scanner at said selected set of scanning criteria where there is no media card in said input means (camera 108 of fig 1).

With respect to claim 12, Manolis et al. discloses a method (as shown in fig 1-5) wherein said consumer-selected computer application (computer 100 of fig 1) is selected from an application to transfer said image data files to an Internet-based (internet communication shown in fig 7) professional photograph printing 9printer 570 of fig 7) company, an application that launches said consumer's e-mail program and attaches said image data files to an e-mail created by said e-mail program, see (col.8, lines 45-55) an application that launches said consumer's fax program and prepares a fax with said image in said fax for said consumer to address, see (col.8, lines 18-21) an application to open a printer selection menu to allow said consumer to print said image on a selected printer, see (col.5, lines 25-30), an application that archives said image data files in a convenient manner, and an application that presents the image data file to any other application on said consumer's computer for said any other application to use as an input into said any other application, see (col.8, lines 18-21).

With respect to claim 13, Manolis et al. discloses a method (as shown in fig 1-5) wherein said consumer can selectively configure said computer application choices, see (col.5, lines 40-45).

With respect to claim 14, Manolis et al. discloses a computer-readable media comprising one or more computer-executable instruction sets that, when executed, direct a computer (an application program that configured in the computer system 100 of fig 1, which includes CPU and operating (OS) in heritably performs the execution steps of the system) computer (100 of 1) comprising: persistently monitoring any monitor able input means (camera 108 of fig 1, is a monitor able image input or acquisition unit that monitored by computer 100 of fig 1, on a display 107 of fig 1) an image acquisition apparatus, see (col.1, lines 45-50); determining whether said input means have image-containing media therein (camera 108 of fig 1, that enables users to take picture and save them in a digital (electronic) format, see (col.1, lines 46-48); determining the quantity of image data files in said media, see (col.2, lines 40-47); selecting at least one image data file from said media (in the image selection widow 222 of fig 2B and 2C, a user can select a specific image, see col.2, lines34-37); transmitting said at least one image data file from said image acquisition (from camera 108 to upload an image to the computer 100 of fig 1) apparatus to a computer (100 of fig 1, see col.1, lines 54-55); providing said image data file to a consumer-selected computer application ,see (col.2, lines 3-40).

With respect to claim 15, Manolis et al. discloses a computer-readable media comprising one or more computer-executable instruction sets that, when executed, direct a computer (an application program that configured in the computer system 100 of fig 1, which includes CPU and operating (OS) in heritably performs the execution steps of the system) computer (100 of 1), persistently monitoring any buttons on said image acquisition apparatus (buttons on a digital camera 108); determining whether any said buttons button have been pressed (computer 100 determine if a button on the camera 108 is have been pressed to down load the data); selecting the appropriate consumer-selected computer application to which to provide said image data based on the predefined functions of said buttons (in the image selection widow 222 of fig 2B and 2C, a user can select a specific image, see col.2, lines 34-37).

With respect to claims 16, Manolis et al. discloses or teaches a computer-readable media (as shown in fig 7) comprising one or more computer-executable instruction sets that, when executed, direct a computer (computer 100 of fig 1) to determine: determining whether there is a scanner associated with said image acquisition apparatus (CPU 121 determine a camera is associated with computer 100 of fig 1); selecting a set of scanning criteria as chosen by the consumer se (col.2, lines 3-40); and scanning an item on the transparent platform of said scanner at said selected

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set of scanning criteria where there is no media card in said input means (camera 108 of fig 1).

With respect to claims 17, Manolis et al. discloses or teaches a computer-readable media (as shown in fig 7) comprising one or more computer-executable instruction sets that, when executed, direct a computer (computer 100 of fig 1) to launch an application that allows the consumer to customize which applications are launched with which parameters at the press of which buttons on said image acquisition apparatus (input/output means key board mouse etc as shown in fig 1).

With respect to claims 18, Manolis et al. discloses or teaches a computer-readable media (as shown in fig 7) comprising one or more computer-executable instruction sets that, when executed, direct a computer (computer 100 of fig 1) wherein said persistent monitoring occurs in a process boundary with the kernel driver, low level driver, and high level user interface (user interface such as key board, mouse shown in fig 1 0), said program launching application runs in a process separated from said persistent monitoring process (dragged and dropped process, see col.5, lines 30-35); and said applications launched by said program launching applications run in their own processes (a software module is loaded (step 302) to customize the viewer, see col.5, lines 25-30).

With respect to claims 19, Manolis et al. discloses or teaches a computer-readable media (as shown in fig 7) comprising one or more computer-executable instruction sets that, when executed, direct a computer (computer 100 of fig 1) wherein said persistent monitoring occurs in a process boundary with the kernel driver, low level driver, and high level user interface (user interface such as key board, mouse shown in fig 1 0), said program launching application runs in a process separated from said persistent monitoring process (dragged and dropped process, see col.5, lines 30-35); and said applications launched by said program launching applications run in their own processes (a software module is loaded (step 302 of fig 3, to customize the viewer col.5, lines 25-30), and said button configuration application runs in its own process, separate from said persistent monitoring process(step 302) to customize the viewer, see col.5, lines 25-30).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 20-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (US20010049633).

With respect to claim 20, Yoshida et al. discloses an electronic ordering method (shown by fig 1 and 2) for image products comprising: providing the customer with the ability to select images for said product ordering from images on said customer's computer (ordering quantity of product, selecting product order performed by customer computer 1A or 1B of fig 1); accessing electronically a current price table from the product supplier (transaction price table 6 of fig 2, accessed electronically), see (col.3, paragraph 0031, lines 1-10); inputting said customer's order of said product, including said customer's selection of special offers (customer input the order by computer keyboard 9A and 9B of fig 1); determining whether said customer qualifies for said special offers, (low price to users offered, see (col.4, paragraph 0038, of last lines, and mass order from the supplier cheaper price, see col.3, paragraph 0024, lines 1-25, a price per quantity of the transaction); selectively applying said special offers that said customer qualifies for to said customer's order, see (col.3, paragraph 0024, lines 1-25); and providing said customer with a new order total price (price table 1 and 2, shown in col.4, indicates total price).

With respect to claim 21, Yoshida et al. discloses Computer-readable media (as shown in fig 1 and 2) comprising one or more computer-executable instructions that, when executed, direct a computer to provide the customer with the ability to select images for said product ordering from images on said customer's computer (ordering quantity of product, selecting product order performed by customer computer order data

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1A or 1B of fig 1); access electronically a current price table from the product supplier, see (col.3, paragraph 0031, lines 1-10); input said customer's order of said product, including said customer's selection of special offers (customer input the order by computer keyboard 9A and 9B of fig 1); determine whether said customer qualifies for said special offers, (low price to users offered, see (col.4, paragraph 0038, of last lines, and mass order from the supplier cheaper price, see col.3, paragraph 0024, lines 1-25, a price per quantity of the transaction); selectively apply said special offers that said customer qualifies for to said customer's order, see (col.3, paragraph 0024, lines 1-25); and provide said customer with a new order total price, (price table 1 and 2, shown in col.4, indicates total price).


With respect to claim 22, discloses computer-readable media (order intake data from customer computer 1A or 1B of fig 1) comprising one or more computer-executable instructions (order intake data [computer] 1A and 1B of fig 1) wherein said instructions are run in a separate process boundary without other applications (order intake data [computer] 1A and 1B of fig 1, run independently in a separate instruction given by a soft ware process).

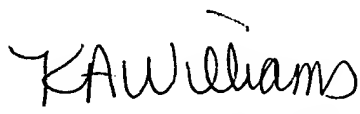
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Magessie Wofku
03/01/05


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER